

## RESOLUTION NO.

**WHEREAS**, the Director of Human Resources has recommended the following amendments of the Personnel Policies; and

**WHEREAS**, the City Manager approves and recommends adoption of this amendment; **NOW, THEREFORE**,

### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

That the City of Austin Personnel Policies be, and the same is hereby amended as follows.

**PART 1.** That Chapter A, Section III.B.1.c., Family and Medical Leave Policy be amended to add the following subsections:

#### **(3) Leave Bank**

A voluntary leave bank, administered by the Human Resources Department, consists of accrued leave donated by employees and awarded to eligible, qualifying regular and part-time employees who are members of the Leave Bank.

All Leave Bank members in regular, budgeted positions who have exhausted all paid leave and who qualify for FMLA leave can request donations from the City of Austin's Leave Bank, except those employees whose terms and conditions of employment with the city are negotiated through a collective bargaining or meet and confer agreement. Requests for donations will be prioritized with higher priority given to employees who are not eligible for the Parental Leave Benefit described in Section III.B.1.c. Requests will be reviewed and acted upon by the Leave Bank Committee.

#### **(4) Donating Accrued Leave**

A minimum donation of accrued leave is required for an employee to become a member of the Leave Bank.

Donations will be requested through the annual Benefit Open Enrollment period. Each member must complete a form verifying his/her willingness to join the program on a voluntary basis. Membership will continue until a member 1) terminates employment, 2) retires, or 3) fails to renew membership. Membership in the Leave Bank does not rollover. Employees must renew their membership each year they want to participate. An employee who fails to become a member during an open enrollment period may become a member during the next open enrollment period.

One additional enrollment period may be scheduled annually at the discretion of the Human Resources Director. Leave Bank hours will be available to employees beginning in January following the Benefit Open Enrollment period. All donations are strictly voluntary.

Donations may only be made from accrued sick or vacation hours. The Human Resources Department will develop a procedure to establish the donation process and define minimum donation requirements.

Donated hours cannot be returned to the donor.

#### **(5) Applying for Donations**

The Human Resources Department will develop a procedure and application process so that members of the Leave Bank can meet with their department FMLA coordinator to apply for donations from the Leave Bank program.

Members should submit their application before the requested hours are needed or as soon as practicable. Hours will not be awarded on a retroactive basis.

#### **(6) Receiving Donations**

A Leave Bank Committee, composed of a representative from the Human Resources Department, Financial Services Department, and the Employee Benefits Advisory Committee, will review and evaluate the applications to determine the number of Leave Bank hours, if any, to be awarded.

Members must exhaust their own accrued sick, vacation, exception vacation, personal holiday, and compensatory time balances and have a FMLA qualifying event prior to any award of Leave Bank hours.

Members that are eligible for and have not exhausted Workers Compensation benefits, or any other COA paid benefits (for example, LTD, STD, serious injury supplement, and wage continuation) are not eligible to be awarded Leave Bank hours.

Members may be awarded up to 240 Leave Bank hours for a FMLA-qualified condition or event. Leave Bank hours must be taken within the FMLA period associated with the qualifying event. The ability to award donated hours from the Leave Bank is dependent upon available hours voluntarily donated by employees.

Hours awarded are proportionate to the member's budgeted work week; i.e. a 20-hour/week member could be awarded up to 120 hours. Leave benefits continue to accrue while using Leave Bank hours.

If a member who receives donations terminates employment with the City before the donations are exhausted, any unused donated leave balance will be returned to the Leave Bank. Members leaving employment with the City are not entitled to payment of awarded, but unused Leave Bank hours. Additionally, the estate of a deceased employee is not entitled to payment of unused Leave Bank hours.

**(This Section shall be renumbered to include these additional subsections without any other changes.)**

**PART 2.** That the amendments described in Part 1 shall become effective upon the adoption of this Resolution.

**ADOPTED:** \_\_\_\_\_, 2013

**ATTEST:** \_\_\_\_\_

Jannette S. Goodall  
City Clerk